

REMARKS

The Office Action mailed April 22, 2004 has been carefully considered along with the references cited therein. The applicant appreciates the withdrawal of the finality of the previous Office Action.

In the subject Office Action the Examiner rejected claims 1-9, 11-16, and 18-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,337,225 (Brookman) in view of U.S. Patent No. 5,032,960 (Kato). The Examiner also rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Brookman and Kato as applied to claim 1 above, in further view of U.S. Patent No. 6,559,879 (Kobayashi et al.). Applicant respectfully traverses the Examiner's rejections with regard to claims 1-9 and 18-26 and arguments in support of patentability are presented below. Claims 11 and 15 have been amended.

The combination of Brookman and Kato do not teach or suggest all the claim limitations of claim 1; therefore, the Examiner has failed to establish a prima facie for obviousness. Claim 1 recites among other limitations "an electrical cable including a plurality of electrical conductors." The Examiner indicates that Brookman discloses a border lighting strip having an electrical cable at reference numeral 28 in FIGURE 2. Reference numeral 28 refers to a pair of oppositely chargeable wires. See column 3, line 8-9. The chargeable wires are embedded within the opaque portion 34 of the molding strip 32. See column 3, line 18-19. To the contrary, however not to be bound by the embodiment depicted, Applicant directs the Examiner's attention to FIGURE 1 of Applicant's drawings which shows an electrical cable or cord 14 that includes a plurality of wires represented in FIGURE 2 by thickened regions 14A, 14B. A simple wire, as disclosed in Brookman, is not an electrical cable including a plurality of electrical conductors. Furthermore, if the Examiner attempts to find the opaque portion 34 as the electrical cord and the wires 28 as the electrical conductors, Brookman would no longer disclose a sheath. Also, Kato fails to disclose such an electrical cable. Accordingly, the combination of Brookman and Kato fails to teach or suggest all the claim limitations of claim 1. For at least this reason, claim 1 and those depending from it, namely claims 2-10, patentably define over the cited references.

The limitations recited in claims 2 and 3 are not taught or suggested by the cited references. Claim 2 recites "wherein the sheath includes: an extruded length of light-transmissive material of high refractive index." Claim 3 recites "wherein the sheath includes: an extruded length of a wave guiding material." When rejecting claims 2 and

3, the Examiner argued that Katoh teaches that the lense is made of a transparent acrylic resin. The rejection is incongruous. An acrylic resin is not necessarily a light transmissive material of high refractive index, nor is an acrylic resin necessarily a wave guiding material.

The limitation recited in claim 7 is not taught or suggested by the cited references. Claim 7 recites "a plurality of LED sockets that receive the LEDs and effectuate connection of the LEDs to the cable." Neither Brookman nor Katoh discloses such a socket. Furthermore, in the subject Office Action the Examiner fails to indicate where either Brookman or Katoh teaches or suggests such a socket. If the Examiner desires to maintain the rejection of claim 7, Applicant requests that the Examiner particularly indicate where this claim limitation is taught or suggested by the references. Applicant avers that such a showing can not be made and that claim 7 further defines over the cited references.

Claim 11 has been amended to include the limitation "wherein the tube and the lens are integrally formed by a single extrusion." Neither Brookman nor Katoh discloses such a configuration. Brookman may disclose a polymeric molding 32 that generally includes an opaque portion 34 and a longitudinally disposed transparent portion 36; however, these portions are not integrally formed by a single extrusion as is apparent from FIGURE 2 which shows two different materials, one for the opaque portion and another for the transparent portion. Also, Katoh only discloses a continuous two-color extrusion molding and not a single extrusion. The cited references fail to teach or suggest all the claim limitations of amended claim 11. Accordingly, it is submitted that claim 11 patentably defines over the cited references. Claims 12-15, which depend from claim 11 are also patentable because they depend from a patentable independent claim.

Furthermore, the limitation of claim 15 is not taught or suggested by the cited references. Claim 15 recites "the tube is flexible whereby the linear lamp is flexible and arrangeable in a non-straight orientation." The Examiner argues that Brookman discloses that the strip is made of a polymeric molding material that is flexible; however, Brookman only mentions in the BACKGROUND OF THE INVENTION section that there remains a need for an improved lighting strip system having light strip sections which are flexible. See column 1, lines 47-50. Nowhere in his disclosure of his invention does he indicate that his lighting strip section is flexible. Furthermore in his figures he shows the lighting strip section as always being straight (see FIGURE 1). Furthermore,

Brookman provides a connector section 110 (FIGURE 6) that is at a right angle and useful for joining lighting strips advancing from two different directions. A connector section 110 further bolsters the argument that Brookman only contemplated straight or linear sections. See column 4, lines 46-47. Applicant respectfully submits that neither reference discloses the claim limitation of claim 15, accordingly claim 15 additionally patentably defines over the cited references.

All limitations recited in claim 16 are not taught or suggested by the cited references. Claim 16 recites “a cord including a plurality of parallel conductive wires and an insulating coating” and “an at least partially light-transmissive tube surrounding the plurality of light emitting elements and at least a portion of the cord[.]” As mentioned with regard to claim 1, neither reference discloses a cord including a plurality of conductive wires. Furthermore, neither reference discloses a cord including an insulating coating. Nor do the references teach or suggest an at least partially light-transmissive tube surrounding at least a portion of the cord, wherein the cord includes a plurality of parallel conductive wires and an insulating coating. Neither of the references recite a cord or a tube surrounding at least a portion of the cord. Since all the claim limitations are not taught or suggested by the cited references, claim 16 and those depending from it, namely claims 18-22, patentably define over the cited references.

The limitation of claim 20 is neither taught nor suggested by the cited references. Claim 20 recites “at least one mount that attaches the light emitting elements to the cord.” Neither Brookman nor Katoh discloses a mount that attaches the light emitting elements to the cord. Furthermore, the Examiner failed to indicate where Brookman or Katoh discloses such a mount. Accordingly, it is submitted that claim 20 patentably defines over the cited references.

All the limitations of claim 23 are not taught or suggested by the cited references. Claim 23 recites “extruding a transparent or translucent sheath adapted to receive the linear light source.” The Examiner argues that Brookman discloses a method for manufacturing a lighting strip and that Katoh teaches a method of integrally molding a lens and the casing by continuous two-color extrusion. Nevertheless, neither reference discloses extruding a transparent or translucent sheath. The sheath in Brookman includes an opaque portion as does the sheath in Katoh. Neither reference singularly or in combination disclose all limitations recited in claim 23. Accordingly, claim 23 and those depending from it, namely claims 24-26, patentably define over the cited references.

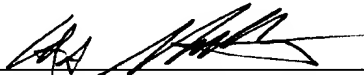
The limitation of claim 25 is not taught or suggested by the cited references. Claim 25 recites "attaching a mount to the electrical cable [.]". As discussed with reference to claim 20, neither reference discloses attaching a mount. Accordingly, claim 25 further patentably defines over the cited references.

In view of the above, it is submitted that claims 1-16 and 18-26 patentably distinguish over the cited references. All formal and informal matters having been considered, Applicant respectfully requests an early indication of allowance of the application.

Respectfully submitted,

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June 24, 2004
Date



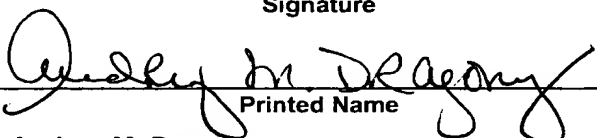
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